

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 14-47799

STEPHEN R ETSLER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING, WITHOUT PREJUDICE,
THE FIRST INTERIM FEE APPLICATION
OF TRUSTEE'S COUNSEL**

This case is before the Court on the first interim fee application of Trustee's counsel, filed on September 19, 2014 (Docket # 122), initially seeking an interim fee of \$85,147.00 and approval of expenses in the amount of \$175.25. No party filed an objection to the fee application, but creditor AK Steel Corporation objected informally, and the Trustee's counsel resolved that objection by voluntarily reducing the requested fee by \$8,500.00, so that now Trustee's counsel is seeking approval of interim fees of \$76,647.00 plus expenses. *See* "Certification Re: First Interim Application For Compensation by Trustee's Counsel" (Docket # 151).

The Court concludes that this interim fee application is premature. In the exercise of its discretion regarding interim fee applications under 11 U.S.C. § 331, the Court declines to award an interim fee in the amount requested at this time, because the amount requested (\$76,647.00) greatly exceeds the amount of funds that the application says is on hand in the bankruptcy estate (\$10,634.33, according to Paragraph 5 of the fee application).

Accordingly,

IT IS ORDERED that the fee application (Docket # 122) is denied, without prejudice to the Trustee's counsel's right to seek approval of the fee and expenses at issue again in a fee application filed at a later date, if and after the bankruptcy estate has at least as much money on hand as the requested fee amount.

Signed on October 20, 2014

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge